Supreme Court, U. S.
FILED
MAR 21 1980
MICHAEL RODAK, JR., CLERK

In The
SUPREME COURT OF THE UNITED STATES

October Term, 1979

NO. 79-343

SUN SHIP, INC.,
Appellant

V.

COMMONWEALTH OF PENNSYLVANIA WORKMEN'S COMPENSATION APPEAL BOARD, JOHN APRIL, CURTIS L. FIELDS, FRANK JANUZCIEWICZ JOSEPH C. KIMMEL and WILLIE MOORE,
Appellees

ON APPEAL FROM THE COMMONWEALTH COURT OF PENNSYLVANIA

MOTION OF AMICUS CURIAE FOR LEAVE TO FILE BRIEF

Patrick N. McTeague
McTeague, Higbee & Tierney
169 Park Row, P.O. Box 340
Brunswick, Maine 04011

Counsel for Local No. 6,
Industrial Union of Marine
and Shipbuilding Workers
of America, AFL-CIO

This Motion for Leave to file an amicus curiae brief is brought on behalf of Local No. 6, Industrial Union of Marine and Shipbuilding Workers of America, AFL-CIO. Located in Bath, Maine, Local No. 6 represents approximately 4,000 maritime employees working at the Bath Iron Works shipyard, located on the Kennebec River, navigable waters of the United States.

The work performed at Bath Iron Works by Local No. 6 members is both new ship construction and repair and conversion of older vessels. This work is performed in various locations: aboard vessels lying in the navigable waters, aboard vessels under construction resting on marine railways, aboard vessels at drydock, and in a variety of shops located on land at distances from two hundred to five hundred feet from the water's edge. Many members of Local No. 6 spend a portion of their working day

aboard the vessels lying in navigable waters and another portion of their working day in the land-based shops where prefabrication and assembly of vessels is performed.

It is from this perspective of the reality of the maritime workplace that the accompanying brief is respectfully submitted. Because shipbuilding and repair are hazardous occupations, many members of Local No. 6 have sustained work-related injuries. Thus the union has a particular and unique interest in providing this Court with its anaylsis of the issues presented by this appeal.

Because of the particular characteristics of the workplace noted above, Local No. 6 respectfully suggests that this Honorable Court should hear from the collective bargaining representative of the more than 4,000 employees whose lives will be most directly affected by the Court's decision by permitting leave to file the accompanying brief.

Further, Local No. 6 has a paramount interest in establishing the right of its members to pursue the most favorable worker's compensation remedy available. As described more fully in the accompanying brief, the provisions of the Maine Workers' Compensation Act are in many cases more advantageous to claimants than the parallel provisions of the Longshoremen's Act. Local No. 6 has a unique interest in vindicating the rights of Maine citizens who live and work in Maine to pursue their remedies under Maine law. To that end, Local No. 6 respectfully requests this Court to grant this Motion.

Dated: March 21, 1980

Respectfully submitted,

Patrick N. McTeague

Patrick N. McTeague, Esq.
McTeague, Higbee & Tierney
169 Park Row, P.O. Box 340
Brunswick, Maine 04011

Counsel for Local 6, Industrial Union of Marine and Shipbuilding Workers of America, AFL-CIO

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and thirty-nine copies of the within Motion of Amicus Curiae for Leave to File Brief have been served in hand this date to the United States Supreme Court. In addition, copies of said Motion have been served this date by Special Delivery, United States mail, to Jeffery C. Hayes, Esq., Pepper, Hamilton & Scheetz, 123 South Broad Street, Philadelphia, PA 19109, Counsel for the Appellant; Joseph Lurie, Esq., Galfand, Berger, Senesky, Lurie & March, 1737 Chestnut Street, Suite 1200, Philadelphia, PA 19103, Counsel for the Appellees; Joshua Gillelan, Esq., Office of the Solicitor, Department of Labor, Suite N-2716, NDOL, Washington, D.C., 20210; and Allan Horowitz, Esq., Office of the Solicitor General, Department of Justice, Washington, D.C. 20530.

Dated: March 21, 1980

Patrick N. McTeague

Patrick N. McTeague, Esq.